

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WILLIAM FRANCIS, JR.,)

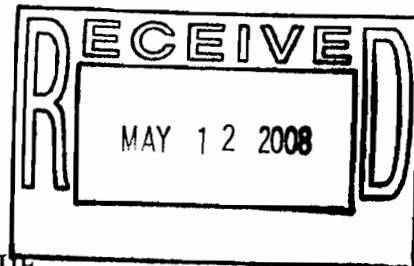
Plaintiff,)

v.)

WARDEN THOMAS CARROLL,)
CORRECTIONAL MEDICAL SERVICES,)
COMMISSIONER STAN TAYLOR, and)
JOYCE TALLEY,)

Defendants.)

C.A. No. 07-015-JJF
Jury Trial Demanded



**PLAINTIFF'S SECOND MOTION FOR APPOINTMENT OF COUNSEL
AND POSTPONEMENT OF DEFENDANTS' TAKING OF DEPOSITION
OF PLAINTIFF**

COMES NOW, Plaintiff, William Francis, Jr., pro se, and moves this Honorable Court to appoint counsel to represent Plaintiff for the taking of deposition by Defendants, at trial and through to the conclusion of the above-referenced case by judgment or settlement, and to postpone the taking of deposition of Plaintiff by all named Defendants for the following reasons:

This Honorable Court denied Plaintiff's first Motion for the Appointment of Counsel with supporting memorandum on August 1, 2007 without prejudice. Plaintiff has never deposed or been deposed in a civil proceeding and has no experience in representing himself in any court of law and equity. Plaintiff believes, inter alia, that factual investigation will be necessary and he is unable to pursue investigation to the extent required to present his case at trial by jury of twelve. Plaintiff is not opposed to the taking of deposition by Defendants and looks forward to the speedy resolution of this

case, but his limited knowledge of the law and civil practice and procedure warrants appointment of counsel at this stage of the proceedings.

Plaintiff was approved for work release from the Delaware Correctional Center on April 15, 2008 (Attachment 1) and is expecting to be released from Level 5 incarceration at any time on any day from the date work release was approved by the Institutional Release Classification Board (IRCB at: (302) 789-5001). Delaware inmates are not informed about the specific date and time of release to work as a matter of policy by the Department of Corrections (DOC), and are not permitted to take their legal materials with them en route to a work release center. Plaintiff avers that it would be in the best interest of all interested parties that any taking of depositions be postponed until after Plaintiff has been received at a designated work release center in Wilmington or New Castle County, DE and has secured employment and outside status, which should not prejudice the Defendants in any way.

State Defendants and Defendant Correctional Medical Services, Inc. (CMS) have yet to respond adequately and completely to all of Plaintiff's interrogatories and the documents requested therein, and Plaintiff further requests that this Honorable Court direct the Defendants referenced above to comply before the scheduling of Defendants' requests to take deposition of Plaintiff.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court appoint counsel to represent him, postpone the taking of deposition(s) by Defendants and order Defendants to answer fully and completely Plaintiff's interrogatories and document requests.

/s/ William Francis, Jr.

William Francis, Jr.
SBI #264560
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Dated: May 9, 2008



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
BUREAU OF PRISONS

245 MCKEE ROAD
DOVER, DELAWARE 19904
TELEPHONE (302) 739-5801

Institutional Release Classification Board

OFFICE OF THE BUREAU CHIEF

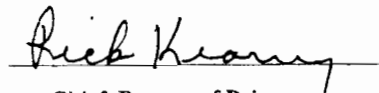
Name FRANCIS WILLIAM
Hearing Date 4/15/08
SBI Number 264560
Institution DCC
Request Work Release

Decision Approved
Vote 05-00
Remarks Transition after lengthy incarceration

✓
CONCUR

— VETO


For the IRCB


Chief, Bureau of Prisons

cc: Records-white
Classification-pink
Inmate-yellow

Wednesday, April 16, 2008

Attachment 1

Certificate of Service

I, William Francis, Jr., hereby certify that I have served a true

And correct cop(ies) of the attached: Plaintiff's Second Motion For

Appointment of Counsel and Postponement of upon the following

parties/person (s): Taking of Deposition

TO: Ophelia M. Waters
Deputy Attorney General
820 N. French Street, 6th Fl.
Wilmington, DE 19801

TO: Megan T. Mantzavinos
913 Market Street, #800
Wilmington, DE 19801

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 9th day of May, 2008

William Francis, Jr.

Mr. Joseph J. Farnham, Jr.

Room 26-1060 Inmate W-1-22

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19777

**U.S.M.S.
X-RAY**

Honorable Joseph J. Farnham, Jr.
U.S. District Court

844 N. King Street, Lockbox 18
Wilmington, DE 19801-3570

